



Explanatory Report to the European Convention for the Protection of Animals for Slaughter *

Strasbourg, 10.V.1979

I. The European Convention for the Protection of Animals for Slaughter, drawn up within the Council of Europe by the Committee of Experts on the Protection of Animals and adopted by the Committee of Ministers, was opened for signature by the member States of the Council of Europe and by the European Economic Community on 10 May 1979

II. The text of the explanatory report prepared on the basis of that committee's discussions and submitted to the Committee of Ministers of the Council of Europe does not constitute an instrument providing an authoritative interpretation of the text of the Convention although it may facilitate the understanding of the Convention's provisions.

Introduction

On 4 July 1973, the Consultative Assembly of the Council of Europe adopted Recommendation 709 (1973) on slaughter methods for meat animals, proposing that the Committee of Ministers invite the governments of member States to conclude a European Convention on the humanisation and harmonisation of slaughter methods.

The Committee of Ministers decided to ask the Committee of Experts on the Protection of Animals for an opinion on the recommendation, bearing in mind the activities of other international organisations in this field.

The committee of experts agreed that it would be advisable to draw up a convention regulating slaughtering and stalling methods and the treatment and care of animals in slaughterhouses. The convention should also be open to non-member countries of the Council of Europe. The experts of member States of the European Communities pointed out that the provisions of the Convention must conform to Community directives in the matter but cover a wider field.

The Committee of Ministers decided, as advised by the Committee of Experts on the Protection of Animals, to instruct it to draft a European Convention on slaughter methods for meat animals. The Ministers also authorised the following to take part in the above work as observers: the United States of America, the European Communities, the World Federation for the Protection of Animals, the International Society for the Protection of Animals, the European Confederation of Agriculture and the International Committee on Laboratory Animals.

(1) The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force on 1 December 2009. As a consequence, as from that date, any reference to the European Community shall be read as the European Union.

The committee of experts, transformed from January 1977 into the ad hoc Committee of Experts for the Protection of Animals (CAHPA), spent five meetings drafting the European Convention for the Protection of Animals for Slaughter, as follows:

1. from 2 to 6 June 1975;
2. from 26 to 30 January 1976;
3. from 8 to 11 June 1976;
4. from 31 January to 4 February 1977;
5. from 20 to 24 June 1977.

Its bureau also held two meetings (9-11 December 1975 and 16-17 September 1976).

The committee was chaired by Mr H. Schultze-Petzold (Federal Republic of Germany). MM. J.-J. Siegrist (Switzerland) and G. Vallier (France) were elected first and second Vice-Chairman respectively.

General considerations

The committee of experts was of the opinion that the Convention ought to contain general rules on methods of slaughtering animals in conformity with the requirements of their protection, and that fuller regulations should be drawn up only for conditions in slaughterhouses.

In the main, the provisions should cover the stalling and care of animals in slaughterhouses, and stunning prior to slaughtering.

It was agreed that, as far as the species of animals to which the Convention apply was concerned, its scope should be confined to domestic species of solipeds, ruminants, pigs, rabbits and poultry.

The committee was of the opinion that, in order to protect animals, there was a need for regulations governing their transportation to slaughterhouses and that there were no standard regulations in this field, except in the case of international transport, which was covered by the European Convention for the Protection of Animals during International Transport of 13 December 1968 (*European Treaty Series* No. 65). However, it considered that the matter of transport to slaughterhouses should not be dealt with separately and that it would be more appropriate to have standard regulations on every form of national transport of animals. It therefore did not include this matter in the Convention or slaughtering methods, but recommended to the Committee of Ministers that a separate Convention be drafted on the national transport of animals.

The Committee of Ministers instructed the Committee of Experts on the Protection of Animals to prepare a draft European Convention on the Protection of Animals during National Transport.

The committee was of the opinion that animals must be stunned before being bled, so that they were completely unconscious up to the moment of death, and, if any exceptions were made to the rule, every effort must be made to spare animals any avoidable suffering.

Chapter I of the Convention contains general principles; the regulations in Chapter II apply exclusively to slaughterhouses in an obligatory manner, but permit the extension of these regulations *mutatis mutandis* to slaughter outside slaughterhouses, while those in Chapter III apply to every form of slaughtering wherever it may be practised, unless exceptions are specifically provided for.

It will still be possible for the Contracting Parties to lay down in their national legislation detailed rules that are stricter from the point of view of protecting animals than those required under the Convention.

The committee made sure that the provisions of the Convention are not incompatible with the provisions of the Directives of the European Economic Community dealing with the same matter.

Comments on some provisions in the Convention

Title

The title of the Convention is modelled on the titles of the conventions on the protection of animals already concluded within the framework of the Council of Europe, viz. the European Convention for the Protection of Animals during International Transport of 13 December 1968 (*European Treaty Series* No. 65), and the European Convention for the Protection of Animals kept for Farming Purposes of 10 March 1976 (*European Treaty Series* No. 87).

Preamble

The committee was of the opinion that the Convention ought to be based on ethical principles.

However, it also thought it appropriate to refer to the effects of illtreatment of animals on meat quality although this was not directly connected with the protection of animals in view of the practical impact of the argument.

CHAPTER I – General principles

Article 1

This article contains the particulars and definitions necessary to establish the scope of the Convention.

Though aware that in some countries animals are frequently slaughtered at fairs and markets, the committee did not consider it worth including any specific provisions on this subject.

It was agreed that the Convention would apply to domestic reindeer but would not cover any furred animals except rabbits. The Convention does not apply to animals used for experimental purposes.

The term "slaughterhouse" was so defined as to cover knackers' yard.

The definition of "stunning" was worded under considerations of the Directive of the Council of the European Communities of 18 November 1974 on stunning of animals before slaughter.

Article 2

This article contains undertakings by the Contracting Parties to give effect to the principles set forth in the Convention.

It is set out in paragraph 2 of this article that the Convention shall not be interpreted as an obstacle to the application by a Contracting Party of a wider regulation for the protection of animals.

The committee found it expedient to state this principle expressly in the text of the Convention. This should not however cause an *a contrario* interpretation with regard to other conventions where the same principle may prevail without having been expressly stated.

CHAPTER II – Delivery of animals to slaughterhouses and their lairaging until they are slaughtered

The provisions of this chapter only apply to animals to be slaughtered in slaughterhouses unless a Contracting Party prescribes in conformity with Article 11 that these provisions shall be applied to slaughtering outside slaughterhouses.

Article 3

As the scope of the Convention does not include the transport of animals to slaughterhouses, the regulations begin with the unloading of animals in the slaughterhouse.

Ventilation could be provided either by means of installations in the slaughterhouse or installations in the means of transport, or simply by opening doors or other parts of the means of transport which can be opened. It must depend on the climatic conditions how much ventilation is adequate; in cold weather it may well be that no ventilation should be provided.

Articles 4 to 7

These articles contain detailed provisions on the moving and lairaging of animals in slaughterhouses until they are slaughtered, with a view to their protection.

Article 4

The committee was of the opinion that the incline of bridges, ramps and gangways should not normally exceed 30°, but that it would not be appropriate to require a fixed maximum incline in all cases. For different species of animals different maximum inclines may be appropriate, and the conditions in which the animals have lived, i.e. in the mountains or on the plains, may reasonably be taken into consideration.

Article 5

The committee was of the opinion that animals should only be blindfolded when this was necessary to calm them and only for short periods.

The appropriate muscles on which electric shocks may be applied are in particular the muscles of the animals' hindquarters, in exceptional cases the shoulder muscles. Electric shocks should in no case be applied to the most sensitive muscles.

The provision prohibiting kicks shall not exclude the guidance of animals by touching them with a foot, in particular in order to get lying animals to stand up.

As the transport of the animals has been excluded from the scope of the Convention, regulations cannot be fixed concerning the conditions of the receptacles in which the animals are transported, but in order to safeguard the welfare of the animals in the slaughterhouse it has been stipulated that if they are delivered in cages, baskets or crates with a bottom involving a risk of injuring their extremities, they shall be unloaded in a manner which minimises such risk.

Article 8

The need for offering animals water immediately on their arrival in slaughterhouses will depend very much on the length of the journey the animals have made before arrival and on the climatic conditions.

The aim of providing that animals are to be given "moderate quantities" of food and water is to avoid excessive feeding and watering before slaughter.

Article 9

The fact that animals in slaughterhouses are kept in different conditions means that they must be inspected so that necessary measures can be taken for their welfare.

Article 11

The Contracting Parties are free to apply the provisions of Chapter II, either wholly or partly, for slaughter outside slaughterhouses.

CHAPTER III – Slaughtering

The provisions in this chapter do not apply solely to slaughtering in slaughterhouses, but also to slaughtering elsewhere.

Article 12

This article lays down the principle that, subject to the exceptions provided for in Article 17, animals are not to be slaughtered unless they have been previously stunned.

Article 13

This article applies exclusively to the ritual slaughter of adult bovines and calves. With regard to ritual slaughter of other animals restraint is only applied in accordance with Article 12, where it proves necessary.

Article 14

The committee has not found it possible categorically to exclude the suspension of rabbits before stunning. It has nevertheless found it advisable that stunning takes place before suspension.

Article 15

The committee was of the opinion that the regulations in question should certainly not go beyond the moment of death.

Article 16

The Directive of the Council of the European Communities of 18 November 1974 on stunning of animals before slaughter has been taken into account in the drafting of the provisions of this article.

Article 17

Though of the opinion that, as a general rule, animals should not be slaughtered unless they have previously been stunned, the committee thought it necessary to make an exception in the case of ritual slaughter, in order to respect the principle that everyone is free to manifest his religion, among other things by observing its rites. Slaughter without stunning in accordance with religious rites is permitted in the vast majority of Council of Europe member states; it is, however, prohibited in Iceland, Norway, Sweden and Switzerland, and in six of the eight Austrian *Länder*.

Articles 18 and 19

The provisions in these articles are designed to leave the Contracting Parties free to choose how to apply them.

CHAPTER IV – Final clauses

The articles in this chapter conform to the model adopted by the Committee of Ministers for conventions drafted by the Council of Europe.

They have, however, been expanded in order to allow the European Economic Community to become, as such, a Contracting Party to the Convention according to the same procedure as that envisaged for the member States of the Council of Europe, namely signature followed by the deposit of an instrument expressing the willingness to be bound by the Convention.